

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14-CR-5-MR-WCM

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	
)	
JAMES WESLEY HILLS, II,)	WRIT OF CONTINUING
Defendant,)	GARNISHMENT
)	
and)	
)	
TPUSA, INC.,)	
Garnishee.)	
_____)	

TO GARNISHEE: TPUSA, Inc.
 Attention: Payroll Department
 1991 S 4650 W
 Salt Lake City, UT 84104

An Application for a Writ of Continuing Garnishment against property of Defendant, James Wesley Hills, II, has been filed with this Court. Doc. 31. A judgment has been entered against Defendant, dated June 8, 2015. Doc. 23. The United States Clerk of Court current total is \$36,443.28, computed through November 16, 2023, and is due and owing.

You, as the Garnishee, are required by law to answer in writing, under oath, within ten (10) days of service of this Writ, whether or not you have in your custody, control, or possession any property or funds owned by Defendant, including nonexempt, disposable earnings.

You must withhold and retain any property in which Defendant has a substantial nonexempt interest and for which you are or may become indebted to Defendant pending further order of the Court. This means that you should withhold twenty-five percent (25%) of Defendant's disposable earnings which remain after all deductions required by law have been withheld, or the amount by which Defendant's disposable earnings for each week exceed thirty (30) times the federal minimum wage, whichever is less. See 15 U.S.C. § 1673(a).

Please state whether or not you anticipate paying Defendant any future payments and whether such payments are weekly, bi-weekly, monthly, annually, or bi-annually.

You must file the original written Answer to this Writ within ten (10) days of your receipt of this Writ with the following office:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

Additionally, you are required by law to serve a copy of the Answer upon Defendant at Defendant's last known address:

James Wesley Hills, II
XXXXXXXXXX
Columbia, South Carolina XXXXX

You are also required to serve a copy of the Answer upon the United States Government at the following address:

Financial Litigation Unit
United States Attorney's Office
227 West Trade Street, Suite 1650
Charlotte, North Carolina 28202

Pursuant to 15 U.S.C. § 1674, you, the Garnishee, are prohibited from discharging Defendant from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness.

Pursuant to 28 U.S.C. § 3205(c)(6), if you fail to answer this Writ or withhold property or funds in accordance with this Writ, the United States Government may petition the Court for an order requiring you to appear before the Court to answer the Writ and to withhold property before the appearance date. If you fail to appear, or do appear and fail to show good cause why you failed to comply with this Writ, the Court shall enter a judgment against you for the value of Defendant's nonexempt interest in such property. The Court may award a reasonable attorney's fee to the United States and against you if the Writ is not answered within the time specified.

Signed: November 22, 2023



W. Carleton Metcalf
United States Magistrate Judge

